

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FRANK WAKEFIELD,)
)
 Plaintiff,)
)
 v.) 02: 07cv0800
)
 OFFICER KEVIN WRIGHT and)
 CHIEF HOWARD KIFER, of the Glassport)
 Police Department; and)
 KATY HANDRA, Glassport Pool Manager;)
 as well as the BOROUGH OF GLASSPORT,)
 a municipal corporation; and)
 LIEUTENANT TIMOTHY CONBOY; AND)
 CHIEF KENNETH HOLLAND, of the)
 Dravosburg Police Department;)
 as well as the)
 BOROUGH OF DRAVOSBURG, a municipal)
 corporation;)
 In all Official and Personal Capacities,)
)
 Defendants.)

ORDER OF COURT

Presently pending before the Court are the following:

- MOTION TO DISMISS PLAINTIFF'S COMPLAINT filed by Defendants Borough of Dravosburg, Lieutenant Timothy Conboy and Chief Kenneth Holland, with brief in support (Document Nos. 3 and 4, respectively); and
- MOTION TO AMEND COMPLAINT filed by Plaintiff, Frank Wakefield (Document No. 5).

To date, Defendants have not filed a responsive pleading in this matter. Thus, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, Plaintiff's Motion is **GRANTED** and the First Amended Complaint is deemed filed.

Furthermore, the Motion to Dismiss Plaintiff's Complaint is **DENIED AS MOOT**.

It is further **ORDERED** that the caption of this matter is amended as follows:

So **ORDERED** this 4th day of December, 2007.

BY THE COURT:

s/Terrence F. McVerry
United States District Court Judge

cc: Frank Wakefield
2227 High Street
Glassport, PA 15045

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